

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

LOS ANGELES UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2015040570

ORDER GRANTING PEREMPTORY
CHALLENGE

On May 29, 2015, Student, through his attorney, filed with the Office of Administrative Hearings a peremptory challenge seeking to disqualify Administrative Law Judge (ALJ) Robert Helfand from hearing this case. Counsel for Los Angeles Unified School District has not filed a response to the challenge.

Government Code section 11425.40, subdivision (d), establishes the criteria for disqualification of the presiding officer. A party is entitled to one peremptory challenge (disqualification without cause) to an ALJ assigned to an Office of Administrative Hearings (OAH) hearing. (Cal. Code Regs., tit. 1, § 1034, subds. (a) & (b); Gov. Code, § 11425.40, subd. (d).) In no event will a peremptory challenge be allowed if it is made after the hearing has commenced. In addition, if at the time of a scheduled prehearing conference, an ALJ has been assigned to the hearing, any challenge to the assigned ALJ shall be made no later than commencement of that prehearing conference. (Cal. Code Regs., tit. 1, § 1034, subd. (c).)

ORDER

1. Student's challenge of ALJ Helfand is granted.
2. OAH will assign a different ALJ to the case.
3. All dates previously set in this matter will remain on calendar.

ATE: June 01, 2015

/s/

JUNE R. LEHRMAN
Presiding Administrative Law Judge
Office of Administrative Hearings